

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DEVONTE DENTERRIO JENKINS,

Defendant.

No. 17-CR-2043-LRR

ORDER

The matter before the court is United States Chief Magistrate Judge C.J. Williams's Report and Recommendation (docket no. 50), which recommends that the court deny Defendant Devonte Denterrio Jenkins's Motion to Set Aside and Vacate Section 851 Notice ("Motion") (docket no. 45).

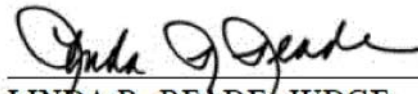
On October 29, 2017, Defendant filed the Motion, which requests that the court "set aside and vacate the government's 'Notice of Prior Felony Drug Convictions,' as set forth in the Indictment." *See* Motion at 1. On November 6, 2017, the government filed a Resistance (docket no. 46). On December 5, 2017, Judge Williams issued the Report and Recommendation, which recommends that the court deny the Motion. "A party in a criminal case who objects to or seeks review or reconsideration of . . . a magistrate judge's report and recommendation must file specific, written objections to the . . . report and recommendation within [fourteen] days after service of the . . . report and recommendation." LCrR 59.

The time to object to the Report and Recommendation has expired and neither party has filed any objections. Thus, the parties have waived their right to a de novo review of the Report and Recommendation. *See, e.g., United States v. Newton*, 259 F.3d 964, 966 (8th Cir. 2001) ("Appellant's failure to file any objections waived his right to de novo review by the district court of any portion of the report and recommendation of the

magistrate judge as well as his right to appeal from the findings of fact contained therein.” (quoting *Griffini v. Mitchell*, 31 F.3d 690, 692 (8th Cir. 1994))). The court finds no plain error in Judge Williams’s decision. Therefore, the court **ADOPTS** the Report and Recommendation. Accordingly, the Motion is **DENIED**.

IT IS SO ORDERED.

DATED this 21st day of December, 2017.



LINDA R. READE, JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA